

Office Memorandum • UNITED STATES GOVERNMENT

TO : Executive Officer, DD/A

DATE: 18 December 1953

FROM : Office of General Counsel

SUBJECT: Overseas Application of Existing Espionage Laws

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1. In the early part of December we were asked to comment upon proposed [REDACTED]. The concluding paragraph of this regulation prescribes that the Senior Representative or Chief of Mission shall be responsible for insuring that all personnel whose employment is processed overseas read and understand this regulation prior to entrance on duty and execute a secrecy agreement incorporating by reference the provision of the regulation.

2. As you know, the jurisdictional section of our present espionage legislation is section 791 of Title 18. This section provides that the entire chapter on espionage and censorship "shall apply within the admiralty and maritime jurisdiction of the United States and on the high seas, as well as within the United States." The inference of this section to me is that the entire chapter containing our espionage laws does not apply in cases of espionage outside the United States and its admiralty jurisdiction, and would for this reason have no effect upon espionage or carelessness in the loss of defense information which occurred overseas and which involved one of our overseas employees. Since there did not appear to be anything legally wrong in the statement contained in the regulation, I made no comment upon the particular section. It does seem to me, however, that this is a point on which more adequate legislation could profitably be secured and I am referring it to you for whatever action you deem appropriate.

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